

Application No. 10/538,718
Amendment dated June 15, 2011
Reply to Office Action of March 10, 2010

REMARKS

**Reconsideration And Allowance
Are Respectfully Requested.**

Claims 1-17, 19-23, 25, 26, 28, 29 and 31-37 are currently pending. Claims 1-5, 11, 13-16, 20-22, 28, 31 and 32 have been amended. Claims 18, 24, 27 and 30 have been cancelled. Claims 34-37 have been withdrawn. No new matter has been added. No new claims have been added. Reconsideration is respectfully requested.

The Examiner has objected to the title of the invention, the Abstract and the Specification. The present Amendment changes the title and has substituted a new Abstract of the Disclosure for the Abstract filed with the application.

The Examiner has also objected to the Specification since a marked-up copy was not filed with a clean copy of the application. It is noted that both the clean copy as well as a marked-up copy were filed on June 13, 2005 as shown in the records of the U.S. Patent and Trademark Office. Therefore, it is believed that no additional copies are needed.

The Examiner has objected to the drawings since each figure should be labeled separately. Consequently, Applicant is providing herewith Replacement Sheets for Figures 4, 6, 7, 8 and 9.

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Claim 30 was rejected under 35 U.S.C. §112, first paragraph since no adequate support was found for an elastic or flexible composite layer. Consequently, Applicant has cancelled claim 30.

Page 1, line 4 of the Office Action of March 10, 2010 indicates that claims 18, 19 and 34-37 have been withdrawn from consideration. It is noted that as initially filed, the present application contained claims 1-37. However, claims 34-37 were withdrawn on December 18, 2009 based upon a response to a restriction requirement. Therefore, while it is agreed that claims 34-37 have been withdrawn, it is respectfully submitted that claims 18 and 19 were present in the application when the Examiner promulgated the present Office Action.

The Examiner has rejected claims 1-33 under 35 U.S.C. §112, second paragraph as being indefinite. This rejection is respectfully traversed.

Applicant has amended claims 1-5, 10, 11, 13-16, 20-22, 28, 31 and 32 to recite the invention in a definite manner, as well as cancelling claims 18, 24, 27 and 30 to further the prosecution of this application. Consequently, it is believed that all of the claims in the application do recite the invention in a definite manner.

The Examiner has rejected claims 1-5, 10, 14-17, 20, 25, 26, 28, 29 and 33 under 35 U.S.C. §102 as being anticipated by the reference to Osorio et al. This rejection is respectfully traversed.

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The present invention is directed to a pre-fabricated set of abutments used by a practitioner in the dental art. The practitioner would choose from an abutment in the pre-fabricated set of abutments with the form that most nearly corresponds to the tooth to be reconstructed during an implant. This is contrasted from the Osorio et al. reference which merely teaches a method for making a dental abutment or a cap adapted to a natural form of a tooth on the basis of a series of measurements. After the series of measurements are made, a particular abutment would be manufactured in the lab and then sent to the dental practitioner. The present invention includes a set of pre-fabricated abutments which differ in form, but are adapted to the natural form of a tooth. This would allow the dental practitioner to choose from this set of pre-fabricated abutments, wherein each abutment is adapted to the natural form of the tooth and used with an implant to form the basis for an additional structure, such as a crown or shell which forms the outer surface of the tooth to be replaced. The use of a pre-fabricated set of abutments is neither anticipated nor suggested by the Osorio et al. reference. Claim 1 has been amended to more specifically indicate that each abutment is a cap and is chosen from at least one set of pre-fabricated abutments. Consequently, reconsideration and withdrawal of this rejection are respectfully urged.

The remaining claims were rejected under 35 U.S.C. §103(a) as being unpatentable over the Osorio et al. reference itself or in combination with the references to Morgan or Klardie et al. These rejections are respectfully traversed.

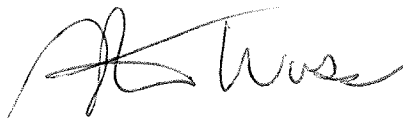
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None of the additional references cited by the Examiner in the §103 rejection anticipate or suggest the use of a pre-fabricated set of abutments as recited in claim 1. Therefore, since all of these additionally rejected claims are directly dependent from claim 1, these claims also recite patentable subject matter. Consequently, reconsideration and withdrawal of this rejection are respectfully urged.

The claim amendments made with this response do not indicate agreement with the Examiner's rejection, and all previous arguments and traversals are maintained. The amendments made in this response are made to further prosecution on the merits, and without prejudice to the Applicant filing one or more continuation applications having claims as originally or previously presented.

It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested. If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact Applicants' representative at the below number.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Wasson", written over a horizontal line.

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